

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OXYGEN-CONTAINING OPHTHALMIC COMPOSITION

The specification of which

- a. is attached hereto
 b. ☒ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/JP01/05542 filed June 28, 2001 and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see the last page attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. no such applications have been filed.
 b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	2000-195804	29, 06, 2000	

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

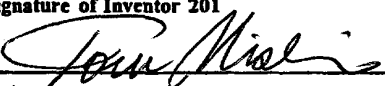
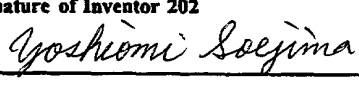
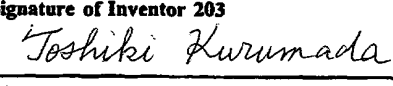
Adriano, Sarah B.	Reg. No. 34,470	Gabilan, Mary Susan	Reg. No. P-38,729	Pollinger, Steven J.	Reg. No. 35,326
Batzli, Brian H.	Reg. No. 32,960	Golla, Charles E.	Reg. No. 26,896	Reich, John C.	Reg. No. 37,703
Beard, John L.	Reg. No. 27,612	Gorman, Alan G.	Reg. No. P-38,472	Reiland, Earl D.	Reg. No. 25,767
Beck, Robert C.	Reg. No. 28,184	Gould, John D.	Reg. No. 18,223	Schmidt, Cecil C.	Reg. No. 20,566
Bejin, Thomas E.	Reg. No. 37,082	Gresens, John J.	Reg. No. 33,112	Schuman, Mark D.	Reg. No. 31,197
Berman, Charles	Reg. No. 29,242	Hammer, Michael S.	Reg. No. P-38,483	Schumann, Michael D.	Reg. No. 30,422
Bogucki, Raymond A.	Reg. No. 17,426	Hamre, Curtis B.	Reg. No. 29,165	Sebald, Gregory A.	Reg. No. 33,280
Bruess, Steven C.	Reg. No. 34,130	Hassing, Thomas A.	Reg. No. 36,159	Smith, Jerome R.	Reg. No. 35,684
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Caspers, Philip P.	Reg. No. 33,227	Kastelic, Joseph M.	Reg. No. 37,160	Strodthoff, Kristine M.	Reg. No. 34,259
Clifford, John A.	Reg. No. 30,247	Kowalchuk, Alan W.	Reg. No. 31,535	Summer, John P.	Reg. No. 29,114
Conrad, Timothy R.	Reg. No. 30,164	Kowalchuk, Katherine M.	Reg. No. 36,848	Summers, John S.	Reg. No. 24,216
Daignault, Ronald A.	Reg. No. 25,968	Krull, Mark A.	Reg. No. 34,205	Tellekson, David K.	Reg. No. 32,314
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Daulton, Julie R.	Reg. No. 36,414	Lynch, David W.	Reg. No. 36,204	Vandenburgh, J. Derek	Reg. No. 32,179
DeFrank, Edmond A.	Reg. No. 37,814	Mau, Michael L.	Reg. No. 30,087	Vietzke, Lance L.	Reg. No. 36,708
DiPietro, Mark J.	Reg. No. 28,707	McDonald, Daniel W.	Reg. No. 32,044	Welter, Paul A.	Reg. No. 20,890
Edell, Robert T.	Reg. No. 20,187	McDonald, Wendy M.	Reg. No. 32,427	Williams, Douglas J.	Reg. No. 27,054
Farber, Michael B.	Reg. No. 32,612	Mueller, Douglas P.	Reg. No. 30,300	Wood, Gregory B.	Reg. No. 28,133
Gates, George H.	Reg. No. 33,500	Nelson, Albin J.	Reg. No. 28,650	Yip, Philip S.	Reg. No. 37,265
		Plunkett, Theodore	Reg. No. 37,209		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	Full Name Of Inventor	Family Name <u>NISHIHARA</u>	First Given Name <u>Toru</u>	Second Given Name
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Signature of Inventor 201		Signature of Inventor 202		Signature of Inventor 203
				
Date <u>Feb. 21, 2002</u>		Date <u>Feb. 21, 2002</u>		Date <u>Feb. 21, 2002</u>

For Additional Inventors:

Indicate here and attach sheet with same information, including date and signature.